

COMMONWEALTH OF MASSACHUSETTS

DISTRICT COURT

UNITED STATES DISTRICT COURT

CIVIL ACTION NO.: 04 CV 10632 MEL

MARY B. SMITH,

Plaintiff

vs.

DAVID C. NICHOLSON, TRUSTEE)
OF THE D.J.J. REALTY TRUST,)
DOMINIC M. SAWICKI,)
TRUSTEE OF THE DOMINIC M.)
SAWICKI NOMINEE TRUST,)
AND CAROL ANN WHITNEY)
AND GLENN WHITNEY,)

Defendants

DEFENDANT, DAVID C. NICHOLSON, TRUSTEE OF THE D.J.J. REALTY TRUST,
MOTION TO FILE REVISED/CORRECTED OPPOSITION TO PLAINTIFF'S
MOTION TO COMPEL.

The defendant D.J.J. Realty Trust, moves this court to permit it to file a revised/corrected opposition to plaintiff's motion to compel. As grounds for this motion, the defendant states that it misidentified David Nicholson as David Smith in the memorandum in support. A corrected memorandum in support is attached hereto and the defendant asks the court to accept this memorandum in place of the previously filed memorandum.

/s/ John F. Gleavy

Stephen M.A. Woodworth, BBO 534 330

John F. Gleavy, BBO 636 888

Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ John F. Gleavy

John F. Gleavy

Dated: January 26, 2006